

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CALVIN PAUL VERDUN	§ § § § §	PLAINTIFF
v.		CAUSE NO. 1:09CV169 LG-RHW
SHERIFF DAVID ALLISON, ET AL.		DEFENDANTS

**ORDER ADOPTING PROPOSED FINDINGS
OF FACT AND RECOMMENDATION
AND DISMISSING CASE WITH PREJUDICE**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation [39] of United States Magistrate Judge Robert H. Walker entered in this 42 U.S.C. § 1983 civil rights complaint on September 29, 2010. Magistrate Judge Walker conducted two screening hearings pursuant to 28 U.S.C. § 1915A to clarify Plaintiff's allegations of failure to protect, denial of medical care, and general conditions during his confinement in the Pearl River County jail. After reviewing the factual allegations in light of the applicable legal standards for stating claims of this nature, the Magistrate Judge concluded that Plaintiff had failed to state a claim upon which relief may be granted, and recommended that the complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(1)(B)(ii). The Plaintiff did not object to the recommendation.

No party has filed an objection to the findings or recommendations of the Magistrate Judge. Therefore, the Court need only review the Proposed Findings of Fact and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After having reviewed the Proposed Findings of Fact and Recommendations and the record

in this case, the Court finds the Magistrate Judge's conclusions neither clearly erroneous nor contrary to law. Plaintiff's allegations fail to state a claim against the Defendants, and the case should be dismissed with prejudice.

IT IS THEREFORE ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation [39] of United States Magistrate Judge Robert H. Walker entered in this cause on September 29, 2010, should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff's claims are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(1)(B)(ii) for failure to state a claim upon which relief may be granted.

SO ORDERED AND ADJUDGED this the 3rd day of November, 2010.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE